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Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression on his mission to Tajikistan: comments by the State

Note by the Secretariat

The Secretariat has the honour to transmit to the Human Rights Council the comments by the State on the report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression on his mission to Tajikistan.

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Report of the Special Rapporteur the promotion and protection of the right to freedom of opinion and expression on his mission to Tajikistan: comments by the State*

Response to recommendations

Summing up the report, the Government of Tajikistan considers it for necessary to note that the arguments and conclusions made in the report of the SR have been prepared without taking into account the specifics of the country's legislation, Tajikistan's international obligations in the field of human rights, the country's striving to ensure transparency of activities of political parties and public associations, combating terrorism and extremism, as well as its endeavors to counteract money laundering which is often used for financing of terrorism.

The presented document constitutes the speculations of the SR, since it contains such word constructions as "apparently", "as I was told", "there could be pressure", and the conclusions made on individual issues are not supported by concrete facts and examples.

It should be noted that during his visit, Mr. Kaye held a number of meetings with the heads of ministries and departments of the country, but the report does not mention the results of the meetings held, as well as the achievements of the country in the promotion and protection of the right to freedom of expression and opinion. While drafting the report, the comments submitted by the heads of relevant governmental structures on certain issues raised by the SR have been ignored.

For example, during the meeting with the Minister of Justice, the SR was provided with information on national legislation on the right of citizens to freedom of opinion and expression, as well as the activities of public associations and political parties, and on the right of citizens to hold demonstrations.

Also, the SR was explained in detail the reasons for introducing amendments to the Law of the Republic of Tajikistan "On Public Associations" which were implemented in accordance with recommendations of the Financial Action Task Force on Money Laundering (FATF) and the UN Convention against Corruption.

However, the report does not include this information and the comments submitted by the Minister of Justice, but only interprets the situation from the point of view of the representatives of civil society, which by itself makes this report unilateral and biased.

It should be recalled that the powers of the UN SR are limited in the framework of the UN Human Rights Council Resolution 7/36, paragraph 6 of the UN General Assembly Resolution 60/251 from 15 March 2006, as well as the Code of Conduct for Special Procedures Mandates of the UN Human Rights Council.

These documents provide for the terms of reference of the United Nations Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, which include the application of efforts to promote and protect the right to freedom of opinion and expression; development of cooperation with UN treaty bodies; presentation of the views on problems in the field of information and communication technologies, including the Internet and mobile communications; integration of women's rights and the gender dimension in the work to fulfill their mandate; requesting reliable and truthful information from governments, non-governmental organizations and any other parties and responding to it; preparation of the recommendations and proposals on ways and means for improvement of promotion and protection of the right to freedom of opinion and expression etc.

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* Reproduced as received.

However, the issues raised by the SR during the preparation of the report, such as ban of the Islamic Renaissance Party of Tajikistan, the introduction of amendments and additions to the Law of the Republic of Tajikistan "On Public Associations", the introduction of amendments to the Constitution and many other issues go beyond his mandate determined by the resolutions of the UN Human Rights Council and the UN General Assembly.

It should be underlined that due to the adopted mandate, the SR should establish a constructive dialogue with states and work on the basis of principles of impartiality, integrity and objectivity.

The Government considers the information presented in the report as biased and one-sided, based only on the information of some representatives of non-governmental organizations. This attitude of the SR at least gives rise to doubts about his impartiality and objectivity.

It is crucial to take into account the positions and opinions of both non-governmental and governmental sides in order to refrain from unilateral interpretation of issues, and proceed from the provisions of current national legislation, international obligations of the country in the field of human rights and actual situation within the country and in regional and global contexts.